

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition)	
for Termination of Probation:)	No. D-3270
)	
TERESITA PIOQUINTO-FUA, M.D.)	OAH No. N-28550
aka TERESITA FUA, M.D.)	
5 Sepalo Court)	
Sacramento, CA 95823)	
)	
License No. A-035486)	
)	
Petitioner.)	
)	

DECISION

The matter was heard by a hearing panel of the Seventh District Medical Quality Review Committee on February 19, 1987, in Milpitas, California.

The hearing panel consisted of: Henry R. Drinker, M.D., George E. Dueker, M.D., Eugenio A. Zarate, M.D., Carl Lester, M. Ph., Paula Robinson, R.N., Larry L. Mellott, R. Ph., and Jonathan Ng, M.D., Chairperson. Leonard L. Scott, Administrative Law Judge of the Office of Administrative Hearings, State of California, presided.

Vivian Hara-Hersh, Deputy Attorney General, represented the Division of Medical Quality.

Teresita Pioquinto-Fua, M.D., also known as Teresita Fua, M.D., appeared in her own behalf.

Evidence was received, the hearing was closed and the matter submitted.

The hearing panel met in executive session and made the following decision.

FINDINGS OF FACT

I

On June 30, 1980, petitioner was issued California physician's

and surgeon's certificate, number A-035486. Effective August 21, 1985, in a Decision which adopted a Stipulation and Order, petitioner's certificate was suspended for forty-five (45) days, the suspension was stayed and petitioner was placed on five (5) years probation upon various terms and conditions including: passing an oral clinical examination, practice restricted to pediatrics, forty (40) hours per year additional continuing medical education, quarterly reports and the other standard conditions.

In the Accusation, petitioner was accused of gross negligence, incompetence and repeated negligent acts. In the Stipulation and Order, signed by petitioner and her attorney, she did not admit any specific allegation in the Accusation but did stipulate that a factual basis existed for the discipline.

Petitioner has been on probation for about eighteen (18) months of the agreed to five (5) years.

II

Petitioner testified that she has been complying with the terms and conditions of probation but was requesting that her probation be terminated because it had caused her some difficulty in getting hospital privileges, malpractice insurance and admission into the local medical society.

III

Petitioner has been on probation for only a short time, insufficient time to allow sufficient monitoring of her to assure that she has corrected her problems and sufficiently improved her medical skills. Petitioner's failures that led to the discipline were serious, justifying a significant term of probation and petitioner failed to present sufficient evidence of rehabilitation and improvement to justify such early termination of that probation.

DETERMINATION OF ISSUES

Petitioner failed to demonstrate that cause exists pursuant to Business and Professions Code section 2307 to terminate her probation.


ORDER

The Petition for Termination of Probation of Teresita Pioquinto-Fua, M.D., is denied.

This Decision shall be effective April 15, 1987.

IT IS SO ORDERED this 16th day of March, 1987.

By



JONATHAN NG, M.D., CHAIRPERSON
Panel of Seventh District
Medical Quality Review Committee